



COUNTY OF LOS ANGELES
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County Counsel

March 19, 2014

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Hesham Sultan v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. BC 478 066

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Hesham Sultan v. County of Los Angeles, et al., Los Angeles Superior Court Case No. BC 478 066, in the amount of \$975,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit alleges assault, battery, and negligence by an off-duty Sheriff's Deputy.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME Hesham Sultan vs. County of Los Angeles, et. al.

CASE NUMBER BC 478066

COURT Los Angeles Superior Court

DATE FILED January 31, 2012

COUNTY DEPARTMENT Sheriff's Department

PROPOSED SETTLEMENT AMOUNT \$ 975,000

ATTORNEY FOR PLAINTIFF David Wood, Esq.

COUNTY COUNSEL ATTORNEY Millicent L. Rolon

NATURE OF CASE Plaintiff Hesham Sultan alleges that he was unlawfully shot by a Sheriff's Deputy and suffered serious injuries as a result.

The Deputy contends that he was in fear for his life when he fired the shots at Mr. Sultan.

Due to the risks and uncertainties of the litigation, a reasonable settlement at this time will avoid further litigation costs. Therefore, a full and final settlement of the case in the amount of \$975,000 is recommended.

PAID ATTORNEY FEES, TO DATE \$ 197,045

PAID COSTS, TO DATE \$ 38,693

Case Name: Hesham Sultan v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Wednesday, June 22, 2011; approximately 4:30 a.m.
Briefly provide a description of the incident/event:	<p><u>Hesham Sultan v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2013-038</p> <p>On Wednesday, June 22, 2011, at approximately 4:30 a.m., an off-duty Los Angeles County deputy sheriff, assigned to the Los Angeles County Sheriff's Department's Communication and Fleet Management Bureau, was driving his personal vehicle south on the Golden State (5) Freeway near the Ventura (134) Freeway.</p> <p>In his rearview mirror, the deputy sheriff saw the plaintiff's vehicle approaching at a high rate of speed. The deputy opined the driver was operating his vehicle in a reckless manner and suspected he may be under the influence. The deputy sheriff called the Los Angeles Sheriff's Department's Compton Station to report his observations. He then telephoned the California Highway Patrol to report that the plaintiff was driving erratically.</p> <p>The plaintiff exited the freeway a short time later. The deputy sheriff followed the plaintiff's vehicle onto a side street where the plaintiff made a U-turn and began travelling northbound in the southbound travel lane directly at the deputy sheriff's vehicle. After the plaintiff stopped his vehicle next to the deputy sheriff's vehicle and rolled down the driver's window, the deputy sheriff discharged his weapon, striking the plaintiff.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause in this incident was the deployment of deadly force by a member of the Los Angeles County Sheriff's Department.

This section intentionally left blank.

County of Los Angeles
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau. The results of their investigation were presented to representatives from the Los Angeles County District Attorney's Office. On December 5, 2013, the Los Angeles County District Attorney's Office closed their file and took no action.

The incident is now being investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. Since the investigation is still active, the results are not yet known.

On or before **September 30, 2014**, this corrective action plan will be supplemented with a report to include 1) the results of the administrative investigation; 2) any administrative action taken or discipline imposed; and, 3) any other corrective action measures identified and/or taken.

3. Are the corrective actions addressing department-wide system issues?

- Yes – The corrective actions address department-wide system issues.
 No – The corrective actions are only applicable to the affected parties.

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Joanne Sharp, Captain Risk Management Bureau	
Signature: 	Date: 2-6-14

Name: (Department Head) Roberta A. Abner, Chief Internal Investigations Division	
Signature: 	Date: 2-19-14

County of Los Angeles
Summary Corrective Action Plan

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
Destiny Castro	
Signature:	Date:
	2/20/2014